



February 21, 2003

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## SENATE BILL No. 396

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DIGEST OF SB 396 (Updated February 19, 2003 1:26 PM - DI 104)

**Citations Affected:** Noncode.

**Synopsis:** Informal dispute resolution for nursing homes. Establishes a voluntary informal dispute resolution pilot program for comprehensive care health facilities.

**Effective:** Upon passage.

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**Miller, Riegsecker**

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January 16, 2003, read first time and referred to Committee on Health and Provider Services.

February 20, 2003, amended, reported favorably — Do Pass.

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SB 396—LS 7649/DI 107+



February 21, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 396

A BILL FOR AN ACT concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2       SECTION, "health facility" refers to a comprehensive care health  
3       facility licensed under IC 16-28. The term does not include a health  
4       facility that is certified as an intermediate care facility for the  
5       mentally retarded (ICF/MR) under 42 CFR 440.150.

6       (b) As used in this SECTION "program" refers to the informal  
7       dispute resolution program created under subsection (d).

8       (c) As used in this SECTION, "state department" refers to the  
9       state department of health.

10       (d) The state department shall contract with an independent  
11       organization that has experience in conducting informal dispute  
12       resolution for a state survey agency to create and operate a  
13       voluntary informal dispute resolution pilot program for health  
14       facilities. The program must comply with the requirements under  
15       42 CFR 488.331.

16       (e) A contract entered into under subsection (d) must expire  
17       before July 1, 2005, and establish fees to be paid to the independent  
18       organization by health facilities that voluntarily use the program.

SB 396—LS 7649/DI 107+



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1 The fees must cover the full cost of the program, including any  
2 training costs by the independent organization.

3 (f) Every six (6) months after the effective date of the contract  
4 with the independent organization described in subsection (d), the  
5 state department and the independent organization shall submit a  
6 written report to the select joint commission on Medicaid oversight  
7 (IC 2-5-26) that includes information on the effectiveness of the  
8 informal dispute resolution program and contains comparative  
9 statistics.

10 (g) This SECTION expires July 1, 2005.

11 SECTION 2. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Riegsecker be added as second author of Senate Bill 396.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 396, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Page 1, line 1, delete "IC 16-18-2-173 IS AMENDED TO READ AS" and insert "[EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "health facility" refers to a comprehensive care health facility licensed under IC 16-28. The term does not include a health facility that is certified as an intermediate care facility for the mentally retarded (ICF/MR) under 42 CFR 440.150."**

Page 1, delete lines 2 through 17, begin a new paragraph and insert:

**"(b) As used in this SECTION "program" refers to the informal dispute resolution program created under subsection (d).**

**(c) As used in this SECTION, "state department" refers to the state department of health."**

Delete page 2.

Page 3, line 1, delete "1, 2003]: Sec. 5. (a)", begin a new paragraph and insert:

**"(d)".**

Page 3, line 2, after "organization" insert **"that has experience in conducting informal dispute resolution for a state survey agency"**.

Page 3, line 2, after "to" insert **"create and"**.

Page 3, line 2, delete "the" and insert **"a voluntary"**.

Page 3, line 3, delete "process required by 42 CFR 488.331" and insert **"pilot program"**.

Page 3, line 3, after "facilities" insert **". The program must comply with the requirements under 42 CFR 488.331."**

Page 3, delete lines 4 through 42, begin a new paragraph and insert:

**"(e) A contract entered into under subsection (d) must expire before July 1, 2005, and establish fees to be paid to the independent organization by health facilities that voluntarily use the program. The fees must cover the full cost of the program, including any training costs by the independent organization.**

**(f) Every six (6) months after the effective date of the contract with the independent organization described in subsection (d), the state department and the independent organization shall submit a written report to the select joint commission on Medicaid oversight (IC 2-5-26) that includes information on the effectiveness of the**



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**informal dispute resolution program and contains comparative statistics.**

**(g) This SECTION expires July 1, 2005.**

**SECTION 2. An emergency is declared for this act."**

Delete page 4.

and when so amended that said bill do pass.

(Reference is to SB 396 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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